

Minutes of the Meeting of  
Louisiana State Board of Architectural Examiners  
March 06, 2015  
10:00 AM

Attending

J. David Brinson, President presiding  
Allen Bacqué  
Ronald Blitch  
John Cardone, Jr.,  
Richard LeBlanc  
Robert W. McKinney  
Teeny Simmons, Executive Director  
Paul H. Spaht, Board Attorney  
Robert Eddleman, Board Investigator  
Joe Delaune, SFMO

Call to Order

1. The meeting was called to order by the President

Minutes Approved

2. The minutes from the meeting held December 12, 2014 were approved as written.

IDP Report

3. Jenny Pelc, State Architectural Licensing Advisor along with Robert McKinney and John Cardone discussed a combination of the IDP Forum with the SC/Board Member /Educator Conference in 2016. Ms. Pelc also discussed obtaining funding from the LSBAE, AIALA and the Southern Conference for the forum. She will be working with Jenny Wilkinson, Executive Secretary of SC/NCARB on the agenda.

1 – LA IDP Forum 2016

- a. Potential Dates: Saturday, January 16, 2016 & Saturday, January 23, 2016
- b. Venue Selection: Coordination with LSU as first choice for event venue
- c. Budgeting: Will be ready for board review by June 12 meeting. (Would it be helpful if I circulated prior to next board meeting?)
  - a. Food: Coffee & Pastries; Box Lunch; Wine & Cheese Reception
  - b. Flyers: Save-the-Date Mailings & Posters for Schools of Architecture
  - c. Participant Packets
  - d. Stipends and/ or Travel Assistance for Speakers – Was this provided previously?
- d. Incorporation of Board Member/ Educator Meeting – Would like to discuss typical R3 ExComm logistics
- e. Draft Agenda (does not currently include ExComm coordination)

8:00 - 8:30      Registration/ Continental Breakfast

8:30 - 9:00      Welcome and Introduction  
(TBD: David Brinson, LSBAE & Lisa Nice, AIA Louisiana)

9:00 - 10:00 NCARB IDP Update  
(TBD: Martin Smith, NCARB)

10:15 - 11:45 IDP Outstanding Firms  
(TBD: Two recent firm recipients)

11:45 - 1:00 Lunch

1:00 - 2:30 Career Paths Panel Presentations

2:30 - 3:30 Team Challenge Workshop: Small group discussion

3:45 - 4:30 Team Challenge Workshop Presentations

4:30 - 5:30 Firm Presentation  
(TBD: Two firms of varying size/ focus)

5:30 - 5:45 Closing

5:45 - 7:00 Networking Reception

Executive Director's  
Report

4. The Executive Director gave the following report:
  - A. Continuing architect renewals.
  - B. Communication with Boards and Commissions (Knox Tumlin appointment).
  - C. Attendance:
    1. December 22, 2014 – Education Fund (Spaht/McKinney).
    2. January 8, 2015 – Architect/Engineers Committee Meeting (Bacque, Brinson).
    3. January 15-16, 2015 – Critical Issues Summit.
    4. January 22, 2015 – FMO Roundtable.
    5. February 24, 2015 – FMO, Spaht, Simmons, Joe Delaune, Butch Browning, Ron Crouch (Agriculture Engineer lawsuit).

Legal

5. Mr. Spaht presented the following legal matters:
  - A. Merritt McDonald/Butch Browning, Jr. – H. Butch Browning, Jr., Joe Delaune, and Ron Crouch appeared to inform the board of the lawsuit entitled *Merritt McDonald v. The Honorable H. Butch Browning, Jr., in his capacity of Fire Marshall of the State of Louisiana*, No. 614,502, Section 25, 19<sup>th</sup> Judicial District Court, Louisiana. Mr. McDonald is being represented in this suit by Thomas M. Lockwood, and Mr. Browning is being represented in this suit by Mr. Crouch. The board reviewed a

motion for summary judgment which has been filed in this suit by Mr. McDonald, which motion was fixed for hearing on March 16, 2015. Mr. Crouch reported that the motion has been continued without date, and he is in discussions with Mr. Lockwood concerning a possible amendment of the OFM rules. Any amendment of such rules will need to follow the procedures set forth in the APA, and Mr. Crouch will send the board a copy of the proposed amendment.

- B. Professional of Record/OFM Rule § 307 – For informational purposes, the board reviewed an email string dated January 20, 2015 to/from Joe Delaune concerning OFM Rule § 307 which is titled “Observation of Construction; Final Inspection.” Rule § 307.A requires that periodic observations of construction of a structure which by law may only be constructed with plans prepared and certified by a licensed architect or civil engineer shall be performed by a registered architect or registered civil engineer. There is no requirement that the registered architect or registered civil engineer performing the observations be the same architect or civil engineer who prepared the plans. This information was reviewed by the board for informational purposes only, and no board action was deemed necessary.
- C. Education and Research Fund – The board reviewed and discussed proposed language drafted by Mr. McKinney creating and regulating a Louisiana Architecture Education and Research Fund. Much of the discussion concerned whether funds not used during any fiscal year should remain in the fund, or not. The consensus was that monies not used should remain in the fund. Mr. McKinney will revise the draft to incorporate the board discussions. In addition, Mr. McKinney will draft proposed rules for board discussion. The architectural firm committee (McKinney, Brinson, and Bacque) will meet immediately prior to the next board meeting to review the revised draft and proposed rules.
- D. Asbestos Building Systems (ABS) – The board reviewed Ms. Simmons’ letter dated February 19, 2015, to Chuck Anselmo of Allstates Building Systems (which letter concerned highway billboards which included the word “architects” in its description of ABS, a non-licensed entity), a photograph of the billboards, Mr. Anselmo’s response dated February 23, 2015, and copies of R.S. 37:141, R.S. 37:145, and Rule § 1319. In his response, Mr. Anselmo advised that ABS is offering a combination of architectural services together with construction services commonly termed design/build, that the architectural services by ABS are being performed by two in-house Louisiana licensed architects (Brian P. Boudreaux and Everett E. Mays), and that ABS does not believe that it is in violation with R.S. 37:145 or Rule § 1319.

The board also reviewed its letter dated March 17, 2010, to Woodward Design+Build. This letter addressed the issue of whether the Woodward Design Group could list itself under “Architects” in the New Orleans AT&T telephone book and Yellow Pages. At the time of the letter, the Woodward Design Group was not licensed by the board to practice architecture, but it had two licensed architects on staff and performed design/build services. In 2010, the board concluded that although a partnership or corporation may offer a combination of architectural services together with construction services if it meets the requirements of Rule § 1319, such a partnership or corporation was not an architectural firm, and it may not list itself in the Yellow Pages under “Architects.” For authority, the board cited R.S. 37:145.A.

After discussion, the board concluded that the reasoning contained in its earlier March 17, 2010 letter was sound and should be followed. ABS may offer

design/build services provided it complies with Rule § 1319; however, ABS is not an architectural firm, and it may not represent on billboards, or otherwise, that it practices architecture or is an architect. The executive director will so advise ABS.

- E. Request for Penalty Waiver – The board reviewed a letter dated January 30, 2015, from the Office Manager of Nardi Associates, LLP requesting a waiver of penalties for the late renewal of Mr. Nardi because Mr. Nardi was forced to visit a job site in China during the renewal period. After discussion, the board concluded that the request should be denied. The executive director will so advise the Office Manager.
- F. Enforcement Report – Mr. Eddleman presented a written enforcement report for the period December 19, 2014 through March 6, 2015. The CRC authorized the issuance of two (2) Consent Orders. Further, since the December meeting four (4) cases have been opened and at the direction of the CRC (7) cases have been closed due to a ratified Consent Order, cease and desist letter, or no violation. Mr. Eddleman referred eight (8) cases to CRC for review: four (4) cases for alleged unlicensed practice, two (2) cases for practicing on a delinquent license, one (1) formal affidavit alleging the use of another architect's drawings as his own, and one (1) formal affidavit alleging the misleading or defrauding of the client and a licensee.
- G. CRC Matters – Case # 2013-12 – Phillips Partnership, P.C. – Mr. Eddleman reported on an unlicensed practice by a firm. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. LeBlanc, seconded by Mr. Cardone, to approve the signed Consent Order.  
  
Case # 2013-15 – Nano Turchi & Associates - Mr. Eddleman reported on an unlicensed practice by a firm. The respondent has signed and returned the proposed Consent Order offered by the CRC. After discussion, the Board unanimously approved the motion made by Mr. McKinney, seconded by Mr. Cardone, to approve the signed Consent Order.
- H. Retirement of Mr. Eddleman – The board reviewed a letter from Mr. Eddleman advising that he has decided to retire effective April 1, 2015. The board expressed its appreciation to Mr. Eddleman for his service. The CRC Committee (Messrs. Bacque, Blitch, and Brinson) will work with the executive director to find a suitable replacement.
- I. Out of State Architectural Firm – The board reviewed a letter dated February 27, 2015, from CLR Design, Inc. ("CLR"). The letter advised that CLR is an architectural and landscape architectural firm located in Philadelphia, PA and organized under the laws of that state specializing in zoological exhibit design. It is licensed in many jurisdictions around the country, individually as architects and landscape architects and as an architectural firm.

CLR advises that it has been invited to submit a proposal to the Audubon Zoo in New Orleans for exhibit design services, and it would love to participate but has been made aware that the structure of its current ownership will not allow this. The firm is equally owned by three partners, one of which is an architect with the other two being landscape architects. CLR is in the process of registering Gregory J. Dyksta as an architect in Louisiana, and it wants to know if either an exception could be made for this one proposal, or if the board had some other suggestion as to how CLR might proceed as it does not wish to violate the intent of the architectural licensing laws.

The board also reviewed a copy of the Request for Qualifications issued by the Audubon Commission in Conj/with Audubon Nature Institute. This RFQ provides in § 3.2.C.7 that “[f]irm must be licensed architects in the state of Louisiana.”

The board licenses only professional architectural corporations (“PACs”), architectural-engineering corporations (“A-E Corporations”), and limited liability companies (“LLCs”). *See* La. R.S. 12:1086 et seq. and Rule § 1701 (for PACs), La. R.S. 12:1171 et seq. and Rule § 1703 (for A-E Corporations), and Rule § 1705 (for LLCs).

The present structure of CLR does not satisfy the requirements of any firm licensed by the board. In particular, since CLR is a corporation, its structure does not meet the requirements of La. R.S. 12:1090.B (requiring that a majority of the outstanding shares of a PAC shall be held by one or more natural persons duly licensed to practice architecture in Louisiana.)

As to suggestions, CLR might consider changing its structure or associating with an architect or architectural firm licensed in Louisiana. Registered architects of other states when associated with any registered architect of Louisiana in a relationship which satisfies the requirements of La.R.S. 37:155.A.3 and Rule § 1317 are exempt from licensure requirements.

Ms. Simmons will so advise CLR.

6. For informational purposes only (no action required) the Board discussed the following:

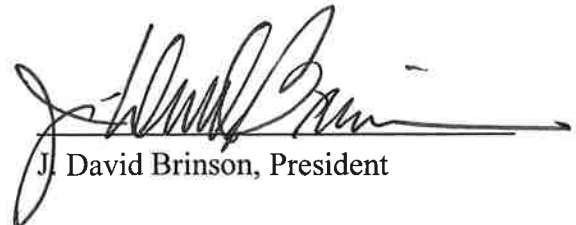
- A. 01/26/15 – IDP Streamline Survey.
- B. 02/06/15 – American Board of Architecture memo from Mike Armstrong.
- C. ARE Pass Rates by Divisions (last 5 years).
- D. 02/26/15 – IDP Streamline Implementation Survey and LTF Request for Proposal.

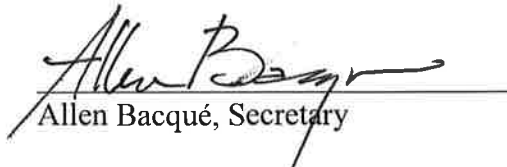
Budget Report

7. The Board reviewed the January 2015 budget report.
8. Future Board meeting dates for 2015 are as follows:

June 12  
September 18  
December 18

6/12/2015  
Date

  
J. David Brinson, President

  
Allen Bacqué, Secretary